S.B. CRIMINAL MISC. IInd BAIL APPLICATION NO.2662/2006
(Bhava Vs. State)

Date of order : 4.7.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Sandeep Mehta, for the applicant.
Mr. L.R. Upadhyay, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

It is contended by the learned counsel for the applicant that first bail application was rejected by this Court vide order dated 18.4.2006. Thereafter police filed challan against the applicant and other accused persons and as per the final investigation, the allegation against the applicant is that he has inflicted one simple injury to injured Tejpal Singh. Further, it is contended by learned counsel for the applicant that the occurrence took place at the spur of moment and main allegation for inflicting grievious head injury to Raghunath Singh is against accused Bhakta. The applicant is behind the bars since March, 2006 and other co-accused have already been enlarged on bail. It is further contended that as per the contents of FIR, only allegation was levelled against Bhakta for inflicting head injury to Raghunath Singh. There is no specific allegation against the applicant

for inflicting any head injury in the FIR and FIR was filed by one Raghunath Singh S/o Padam Singh.

I have perused the challan papers as well as FIR and injury report of injured Tejpal Singh. The applicant is behind the bars since nearabout four months and only allegation againt him is for inflicting simple injury upon the head. The main allegation of inflicting grievious head injury is against accused Bakhta.

Taking into consideration the facts and circumstances of the case and without expressing any opinion, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Bhava S/o Sona shall be released on bail (in FIR No.54/2006, P.S. Sanchore District Jalore) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

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